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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,006	09/21/2000	Young W. Kwon	2658-0222P	8776
7590	11/03/2004			EXAMINER DUONG, THOI V
BIRCH STEWART KOLASCH & BIRCH LLP P O Box 747 Falls Church, VA 22040-0747			ART UNIT 2871	PAPER NUMBER

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/667,006	KWON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thoi V Duong	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 August 2004.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4-19,21 and 22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4-19,21 and 22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This office action is in response to the Amendment filed August 19, 2004.

Accordingly, claims 1 and 10 were amended, and claims 3 and 20 were cancelled. Currently, claims 1, 2, 4-19, 21 and 22 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima et al. (USPN 6,141,123) in view of Shirochi (USPN 6,075,581) and Tedesco et al. (USPN 5,471,327).

Re claim 1, as shown in Figs. 12A-12D, Nakashima et al. discloses a method for fabricating a hologram diffuser which comprises:

providing a substrate 211;

forming a resin layer 210 on the substrate 211; and

forming a hologram pattern in the resin layer by pressing to form a hologram pattern in the resin layer by using a roller 229 (see also Fig. 13 and col. 16, lines 45-50);

However, Nakashima et al. does not disclose forming a smoothing film on the patterned resin layer and forming the hologram diffuser uniformly diffusing light in all directions.

As shown in Fig. 11, Shirochi discloses a liquid crystal display comprising a diffraction grating 51 and an adhesive transparent resin 53 having a refractive index different from that of the grating surface 51a of the diffraction grating 51 (col. 19, lines 4-12). Accordingly, this resin layer is a smoothing layer which smoothes the surface of the diffraction grating and activates light beam diffusion at the diffraction grating.

Further, as shown in Fig. 4, Tedesco et al. discloses a hologram diffuser 126 which uniformly diffuses light in all orientations (col. 2, lines 30-41 and col. 4, lines 33-62).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate a hologram diffuser to uniformly diffuse light in all directions for realizing a display with high aspect ratio as taught by Tedesco et al. (col. 1, lines 6-11).

Re claims 4 and 5, Nakashima et al. discloses that the resin layer 210 is made from a thermal hardening resin, and further including the step of curing the resin layer by applying heat; and the resin layer is made from an ultraviolet hardening resin, and further including the step of curing the resin layer by applying ultraviolet light (col. 18, lines 26-31).

Re claim 6, Nakashima et al. also discloses that the resin layer formed of polycarbonate (col. 4, lines 36-39) is coated on the substrate (col. 15, lines 59-65) and has a thickness of 10 micrometers (col. 16, lines 24-26).

Re claim 2, as shown in Fig. 11, Shirochi discloses a color filter layer formed in color filter glass 23D at an upper portion of the smoothing layer 53 (col. 19, lines 4-12).

Re claim 7, as known in the art, spin coating, knife coating or extrusion coating may be used for forming the resin layer on the substrate.

Re claim 9, as known in the art, the refractive index of polycarbonate is 1.586 and that of transparent resin is from 1.5 to 2.0. Accordingly, with proper selection, the smoothing layer formed of transparent resin will have a refractive index difference of greater than 0.1 compared to the refractive index of the resin layer formed of polycarbonate.

Re claim 8, it is obvious that the smoothing (adhesive) layer is formed to have a desired thickness of 0.1 to 5 micrometers so as to secure the hologram layer in place as well as to obtain a thin display.

4. Claims 10, 11-14, 17-19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirochi (USPN 6,075,581) in view of Tedesco et al. (USPN 5,471,327) and Nakashima et al. (USPN 6,141,123).

Re claims 10, 17, 18, 21 and 22, as shown in Fig. 11, Shirochi discloses a liquid crystal display (LCD) comprising:

a lower polarizer 24,

a lower substrate 22 arranged at an upper portion of the lower polarizer, switching devices arranged in a matrix on the substrate (col. 18, lines 54-59);

a liquid crystal layer 21 provided at an upper portion of the lower substrate;

a color filter layer 18 formed on the liquid crystal layer (col. 18, lines 60-65);

an upper substrate 52 arranged on the color filter;

an upper polarizer 25 arranged above the upper substrate;

a diffraction grating 51 arranged between the upper substrate and the upper polarizer for diffusing light (col. 19, lines 22-28); and

a smoothing layer 53 (an adhesive transparent resin) provided at the upper portion of the diffraction grating 51, wherein the smoothing layer smoothes a surface of the diffraction grating 51 and activates light beam diffusion at the diffuser since the smoothing layer has a refractive index different from that of the grating surface 51a of the diffraction grating 51 (col. 19, lines 4-12); and

a back light unit 12 disposed below the lower polarizer.

Shirochi discloses a LCD that is basically the same as that recited in claim 10 except for a hologram diffuser uniformly diffusing light in all directions to attain a wide visual angle and a smoothing film having a different index of refraction from the hologram.

As shown in Fig. 5, Tedesco et al. discloses a hologram diffuser 126 which uniformly diffuses light in all orientations for a flat-panel LCD (col. 2, lines 30-41 and col. 4, lines 33-62) for attaining a desired viewing angle (col. 2, lines 50-59).

Further, Nakashima discloses a hologram layer formed of polycarbonate (col. 4, lines 36-39). As known in the art, the refractive index of polycarbonate (hologram layer) is 1.586 and that of transparent resin (smoothing layer) is from 1.5 to 2.0. Accordingly, with proper selection, the refractive index of the smoothing film will be different from that of the hologram layer to activate light beam diffusion as taught by Shirochi above.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the liquid crystal display of Shirochi by replacing

the diffraction grating with a hologram diffuser which uniformly diffuses light in all directions for realizing a display with high aspect ratio for the display (col. 1, lines 6-11).

Re claim 11, since the refractive index of polycarbonate (hologram layer) is 1.586 and that of transparent resin (smoothing layer) is from 1.5 to 2.0, with proper selection, a refractive index difference between the smoothing layer formed of transparent resin and the hologram diffuser formed of polycarbonate is greater 0.1.

Re claim 14, as shown in Fig. 13, Nakashima discloses a hologram layer 201 comprising a resin selected from a thermal hardening resin and an ultraviolet hardening resin (col. 8, lines 53-67),

Re claim 12, Nakashima discloses that the hologram layer is formed of polycarbonate (col. 4, lines 36-39), diffuses light (col. 1, lines 6-11) and has a thickness of 10 micrometers (col. 16, lines 24-26).

Re claim 19, Nakashima discloses that a shape of the hologram layer pattern controls a range of visual angle (col. 1, lines 6-11).

Finally, re claim 13, it is obvious that the smoothing (adhesive) layer is formed to have a desired thickness of 0.1 to 5 micrometers so as to secure the hologram layer in place as well as to obtain a thin display.

5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirochi (USPN 6,075,581) in view of in view of Tedesco et al. (USPN 5,471,327) Nakashima et al. (USPN 6,141,123) as applied to claims 10, 11-14, 17-19, 21 and 22 above and further in view of Abileah et al. (USPN 5,629,784).

The LCD of Shirochi as modified in view of Tedesco et al. and Nakashima et al. includes all that is recited in claims 15 and 16 except for a twisted nematic liquid crystal display and the upper and lower polarizers being crossed perpendicular to each other.

As shown in Fig. 3, Abileah discloses a twisted nematic liquid crystal display comprising a nematic liquid crystal 9 disposed between an upper polarizer 15 and a lower polarizer 3, wherein the transmission axes of the upper polarizer and the lower polarizer are crossed perpendicular to each other for rendering normally white display (col. 8, line 56 through col. 9, line 2).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the LCD of Shirochi with the teaching of Abileah et al. by employing a twisted nematic LCD having the upper polarizer and the lower polarizer crossed perpendicular to each other so as to obtain a normally white display (col. 8, line 56 through col. 9, line 2).

#### ***Response to Arguments***

6. Applicant's arguments filed August 19, 2004 have been fully considered but they are not persuasive.

Re claim 1, Applicant argued that the pressing step in Nakashima's reference is used to hold the two films in position so that the laser light 20 can irradiate the original as to copy the photograph on to the photopolymer 210 to make it a hologram instead of pressing the an original hologram into the resin layer to form a hologram pattern as recited in claim 1.

The Examiner disagrees with Applicant's remarks since Nakashima also discloses a method to make a hologram pattern comprising a step of affixing (impressing, fastening or physically attaching) an original hologram 213 into the resin layer 210 for forming the hologram pattern by the roller 229 as shown in Figs. 12A, 12B and 13 (col. 16, lines 45-50). Accordingly, the roller 229 is used for pressing the original hologram pattern and the resin layer together to form a hologram pattern.

Re claim 10, Applicant also argued that there is no motivation to combine three references, Shirochi, Tedesco and Nakashima, since the combination of those references does not teach all of the features of the claimed invention.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Shirochi discloses most of the limitations recited in claim 10, especially a smoothing layer as a transparent resin, except for a hologram diffuser uniformly diffusing light in all directions to attain a wide visual angle and a smoothing film having a different index of a refraction from the hologram. Therefore, the reference of Tedesco is employed for teaching a hologram diffuser uniformly diffusing light in all directions to attain a wide visual angle and the reference of Nakashima is employed for teaching a hologram layer formed of

polycarbonate which has a different refractive index from the smoothing film formed of transparent resin to activate light beam diffusion.

***Conclusion***

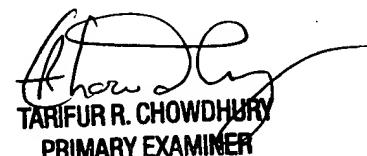
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (571) 272-2293.

Thoi Duong *TD*

10/31/2004



TARIFUR R. CHOWDHURY  
PRIMARY EXAMINER